



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Larry Swift)
Serial No.: 09/580,700)
Filed: May 30, 2000)
For: Port Trend Analysis System and Method for)
Trending Port Burst Information Associated)
with a Communications Device)
Group Art Unit: 2123
Examiner: Thangavelu, Kandasamy
Docket No.: 061607-1470

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, cancellation of claims 2, 9, 11, 13, 20, 22, 24, 31, 33, 35, and 42-45 is without prejudice, waiver, or disclaimer. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Second, the amendments that were entered by the Examiner in connection with claims 1, 3-8, 10, 12, 14-19, 21, 23, 25, 26, 27-30, 32, 34, 36, 37, 38, 39, 40, and 41, were to clarify the

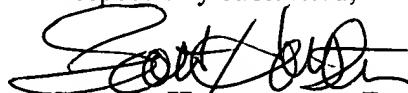
subject matter as to matters of form, were not made to overcome prior art, and were not related to the statutory requirements associated with patentability.

Third, while Applicant agrees with the Examiner that the stated reasons for allowance of claims **1, 3-8, 10, 12, 14-19, 21, 23, 25-30, 32, 34, 36-41** are indeed proper grounds for allowance of these claims, there are other additional reasons why these claims are allowable over the prior art of record, and Applicant does not admit that the stated reasons for allowance are the only reasons for allowance.

Fourth, in accordance with 35 U.S.C. Section 282: “Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Fifth, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,


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Attorney for Applicant

Date: 03/21/06

Docket: **061607-1470**

CERTIFIED MAILING

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